

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARQUISE DRUMWRIGHT,

Plaintiff,

v.

SGT. C. HUCKLEBERRY, et al.,

Defendants.

Case No. 1:20-CV-00939-AWI-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 16)

Plaintiff Marquise Drumwright is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

On January 20, 2021, Magistrate Judge Erica P. Grosjean entered findings and recommendations, recommending that “[t]his case proceed on Plaintiff’s Eighth Amendment claims against defendant Gomez for failure to protect and excessive force,” and that “[a]ll other claims and defendants be dismissed for failure to state a claim upon which relief may be granted.” Doc. No. 16 at 11.

Plaintiff was provided an opportunity to file objections to the findings and recommendations. Plaintiff filed his objections on February 11, 2021. Doc. No. 17.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Eastern District of California Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, including Plaintiff’s objections, the Court concludes that the findings and recommendations are supported by the record and proper analysis.

\\

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued by the magistrate judge on January 20, 2021 (Doc. No. 16), are ADOPTED in full;
2. This case shall proceed on Plaintiff's Eighth Amendment claims against defendant Gomez for failure to protect and excessive force;
3. All other claims and defendants are dismissed for failure to state a claim upon which relief may be granted;
4. The Clerk of Court is directed to reflect the dismissal of defendants Huckleberry and Soto on the Court's docket; and
5. This case is referred back to the magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: February 23, 2021

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE